

**REMARKS**

This paper accompanies a request for continued examination.

Claims 1-3, 5-25, 30, 34-44, 48-49 and 51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lewis, U.S. Publication No. 2003/0105641, in view of Hymel et al, WO 00/03328.

Claims 26-29, 31-33 and 45 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lewis, in view of Hymel and Ulvinen et al, U.S. Patent No. 6,393,305.

Claim 47 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lewis, in view of Hymel and Whitworth, U.S. Publication No. 20010034717.

The Examiner is requested to reconsider these rejections in view of the claim amendments.

As described generally, according to the disclosure, a wireless transaction can be requested, facilitated and fulfilled. As the Examiner will appreciate, a “wireless transaction” is now defined in the preamble of each independent claim. Thus, for example, in independent claims 1, 30 and 45, the “wireless transaction” is now explicitly described as “involving a purchase action with respect to a product or service, and a fulfillment action associated with the purchase action, the fulfillment action involving personal bodily entry into or through a physical structure using a wireless communication device.” Independent claim 47 recites a variant of this formulation; in particular, this claim describes the wireless transaction in this manner: “a transaction request and authorization with respect to a product or service, and a given action associated with the transaction request and authorization, the given action involving personal bodily access into a physical location using a wireless communication device, and wherein the given action is conditioned upon the transaction request and authorization.” Independent claim 48 recites a further variation, describing the wireless transaction as “involving a transaction request and an authorization with respect to a product or service, and a fulfillment event associated with the transaction request and authorization, the fulfillment event occurring at a point of fulfillment using a wireless communication device, and wherein the fulfillment event is conditioned upon the transaction request and authorization.” Thus, with these amendments, a single “wireless transaction” is now positively recited as including interrelated actions (e.g., purchase – physical access, physical access to a location conditioned upon transaction request and authorization, and so forth). The Examiner will also note that each independent claim uses these preamble-specific definitions

throughout the claim body, and thus the preamble should be treated here as having patentable significance.

In a typical use scenario, requesting of such a wireless transaction as now positively recited requires a user to make a transaction request. In amended claims 1, 30 and 45, the Examiner will note that this request is performed using a “wireless communication device” and over a “wireless communication link.” Upon approval of the transaction request, the “purchase” (or, more generally, “first”) action is complete, and this processing generates a transaction code. The transaction code is then communicated to a wireless or mobile device. Claims 1, 30 and 45 now recite that the transaction code be communicated via the wireless communication link. The independent claims 1, 30 and 45 now also reflect that the transaction code is “capable of being displayed on the wireless communication device and optically scanned for authorizing the fulfillment action at a point of fulfillment.” Independent claims 30, 45 and 47 describes the first transaction code as being a two dimensional (2-D) code capable of being output from the wireless communication device and optically scanned for authorizing the given action (personal bodily access into the location, such as a theater, an enclosed area, or the like) at a point of fulfillment. When the transaction is to be fulfilled, the code sent to the wireless device is output (e.g., by display) from the wireless device and can be scanned by the fulfillment system for fulfillment of the wireless transaction. As described in amended claims 1, 30 and 45, the wireless transaction is completed when personal bodily entry into or through the physical structure is permitted.

Each independent claim has been further amended to recite the requirement of transmitting a message to the wireless communications device (typically following the completion of the fulfillment event) indicating that the wireless transaction has been fulfilled. This operation is described in the specification as the providing of a transaction fulfillment message (TFM), and it provides additional feedback to the device user regarding the successful completion of the overall (end-to-end) wireless transaction that includes both the (in the words of representative claim 1) purchase action and the related fulfillment action.

Lewis, the primary reference, teaches a system whereby an end user navigates to a web site from his/her desktop computer, purchases a ticket, and then receives the ticket back at the desktop computer. The ticket can then be printed at the computer and carried by the user to

another location for use. If desired, instead of printing a hard copy of the ticket, the end user can further transfer the electronic ticket to a separate portable device, such as a PDA, e.g., by synchronizing the desktop computer data to the PDA. This action transfers the ticket to the PDA, in the form of a UPC-type code. The user then takes his or her PDA to another location. He or she uses the ticket to obtain access to an event, e.g., by displaying the UPC code (on the PDA) at a reader device. Lewis also teaches another embodiment (in Figure 7) where a cell phone 182 can be used as the initial access device.<sup>1</sup> In this embodiment, the end user uses the phone's web browser to navigate to a web site and to take one or more actions, namely, to "review various events, select an event, purchase tickets, receive tickets, and pay for tickets." See paragraph [0030]. A ticket may be an electronic ticket that is stored in the device 182; it may comprise a UPC code displayed on a display associated with the devices, as described in the last sentence of [0031].

Lewis does not disclose or suggest transmitting a message to the wireless communications device indicating that a "wireless transaction" (as the Applicant has defined that phrase herein) has been fulfilled.

Hymel relates generally to a targeted or affinity marketing and coupon delivery system, employing traditional transaction infrastructure (e.g., point of sale checkout, checkout clerk, coupons, checkout scanner) as the basis for its disclosed system. Hymel does not disclose executing a transaction for a product or service involving physical fulfillment (such as physical entry into or through a physical structure). Hymel, rather, is concerned with scanning bar code coupons at the time the user is purchasing items associated with those coupons. No transaction request occurs in Hymel until the user is at the point of sale presenting items for purchase. At that time, the user presents bar coded coupons, which are then scanned by a scanner so that discounts can be applied. The scanning of the bar code does not result in the fulfillment of a transaction and of course does not permit personal bodily entry into or through a physical structure. Indeed, the purpose of the Hymel system is to collect demographic information and transmit targeted coupons. There is no motivation in Hymel to provide a system including the

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<sup>1</sup> In response to the prior Office action, the undersigned stated that Lewis only disclosed a wired-line embodiment. This statement was incorrect, as the undersigned did not realize (as a result of his initial review of the reference) that Lewis also included the Figure 7 approach described above. This error was inadvertent, and the undersigned apologizes for it.

scanning of a bar code in fulfillment of a transacted-for-product or service so as to permit personal bodily entry into or through a physical structure.

Hymel also does not disclose or suggest transmitting a message to a wireless communications device indicating that the “wireless transaction” (as that phrase has now been defined) has been fulfilled.

Ulvinen describes a system using spoken authentication codes. Whitworth teaches the use of two dimensional bar codes. Applicants do not claim novelty in these features in of themselves; rather, it is the use of these technologies in the subject matter “as a whole” that is claimed.

The cited references do not disclose or suggest the recited single “wireless transaction” that is defined as including the interrelated actions (e.g., purchase followed by personal bodily entry into a physical location, transaction request/authorization followed by personal access into a location using a transaction code output from a wireless communication device, or transaction request/authorization following by a fulfillment event at a point of fulfillment), and wherein a transaction fulfillment message is sent to the wireless device to indicate fulfillment of such wireless transaction.

As to dependent claim 2, the Examiner is reminded that this claim requires a “transaction fulfillment system” being in communication with [a] physical structure, with the “physical structure having means for restricting physical access into or through the physical structure.” Dependent claim 3 goes on to require “communicating a decoded representation of [the transaction code] to the physical structure so as to activate the means for restricting physical access in order to permit personal bodily entry into or through the physical structure.” The Examiner’s reliance on Hymel for teaching this subject matter is misplaced. In the first instance, the Examiner has not reference these particular limitations in rejecting dependent claims 2-3 as required by 37 CFR 1.104; more to the point, Hymel does not disclose or suggest a physical structure, let alone means for restricting physical access to any such structure.

For the reasons set forth above, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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